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ADOBE SYSTEMS INCORPORATED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DIGITAL REG OF TEXAS, LLC,

Plaintiff,

vs.

ADOBE SYSTEMS INCORPORATED, et al.,

Defendants.

Civil Case No. 12-CV-01971 CW (KAW)

**DECLARATION OF EDWARD R.
REINES IN SUPPORT OF ADOBE'S
MOTION FOR ATTORNEYS' FEES**

JUDGE: Hon. Claudia Wilken
CTRM: 2, 4th floor
HEARING: Feb. 12, 2015; 2:00 p.m.

1 I, Edward R. Reines, declare:

2 1. I am a partner with the law firm Weil, Gotshal & Manges LLP (“Weil”),
3 counsel for Defendant Adobe Systems, Inc. (“Adobe”). I am admitted to practice law in the
4 State of California and before the Court. I submit this declaration based on personal knowledge
5 following a reasonable investigation. If called upon as a witness, I could competently testify to
6 the truth of each statement herein.

7 2. The parties have met and conferred regarding the filing of this motion.

8 3. Adobe paid over \$3 million in attorneys’ fees reasonably necessary to
9 conduct this litigation.¹

10 4. Adobe was represented throughout this matter by Weil. In addition, prior
11 to trial Adobe was part of a joint defense group. The use of a joint defense group in this case
12 significantly reduced the overall fees and costs incurred through most of this multi-year
13 litigation, but required coordination with counsel for the various defendants. Fees billed to
14 Weil’s billing number 11316.0007 were incurred and paid fully by Adobe. Fees billed to Weil’s
15 billing number 11316.0008 were incurred and paid by Adobe and another joint defendant. Thus,
16 all fees attributable to the .0008 billing number have been reduced by 50% to account for this
17 apportionment. All fees identified in either billing number have already accounted for any
18 reductions attributable to the joint defense group as a whole. Through my supervision of this
19 matter, I ensured that work necessary to present a proper defense to Digital Reg’s claims was
20 performed in a diligent and efficient manner.

21 5. As reflected in the below summaries, the following individuals at Weil
22 billed time to this matter throughout the litigation, at the following billing rates (which, at times,
23 reflect a discounted rate to Adobe). Billing records were kept in line with Weil’s customary
24 practices in the form of entry into Weil’s electronic billing system, including time spent and a
25 description of tasks incurred, and itemized statements were provided to Adobe on a monthly
26 basis. Consistent with Local Rule 54-5(b)(2), Adobe is willing to produce billing statements for

27 ¹ A prior version of my declaration stated that Adobe was billed and/or paid \$4,753,288.62 in
28 attorneys’ fees. I withdraw that number because it included costs and unadjusted fees amounts
that should not be included.

1 *in camera* review if necessary.

2 6. I, Edward R. Reines served as the senior partner on this matter,
3 responsible for overall case strategy and development as well as trial, claim construction, and
4 general supervision. Since 2008, I have been recognized by *The Daily Journal* as one of the
5 “Top Intellectual Property Litigators” in California. I appeared in *IP Law & Business*
6 magazine’s 2008 inaugural ranking of the “Top 50 Under 45” US IP lawyers, and also have been
7 recognized by *IP Law & Business* as one of the “Top 75 IP Litigators” nationally. Since 2005, I
8 have been ranked in *Chambers USA* as a leading lawyer in the area of Intellectual Property:
9 Patent. I am past President of the Federal Bar Association’s Northern District of California
10 Chapter and Chair of the Patent Rules Committee for the Northern District of California. I am
11 the past president of the Federal Circuit Bar Association and former Chair of the AIPLA Amicus
12 Committee. I teach patent litigation at both Berkeley and Stanford Law Schools. My hourly
13 billing rate to Adobe for this matter was \$967.50 throughout the litigation.

14 7. Sonal Mehta is the partner that handled day-to-day management of this
15 matter. In addition, Ms. Mehta was responsible for damages issues and co-chaired the trial of
16 this case. Ms. Mehta was named one of 50 “Fast Track” lawyers in California in 2012 by *The*
17 *Recorder*. She was also named one of the *Silicon Valley/San Jose Business Journal*’s “40 under
18 40” for 2012. Ms. Mehta was further recognized for patent litigation in California by *IAM*
19 *Patent 1000* in 2013 and 2014. Ms. Mehta’s hourly billing rate to Adobe for this matter ranged
20 from \$747 to \$774.

21 8. Adrian Percer is the partner that handled non-infringement and invalidity
22 issues, including the analysis and development of Adobe’s positions, through discovery and trial.
23 Mr. Percer has represented clients in a wide range of technical disciplines as part of the firm’s
24 Intellectual Property counseling practice, including software, medical devices, storage devices,
25 user interfaces, and Internet technologies such as search and advertising. Mr. Percer’s hourly
26 billing rate to Adobe for this matter was \$747.

27 9. Timothy E. DeMasi is a mid-level partner who was responsible for
28 assistance with discovery matters in this case. Mr. DeMasi’s hourly billing rate to Adobe for this

1 matter was \$877.50.

2 10. Byron Beebe is a senior associate who took over the lead associate role on
3 this matter in November 2013. Mr. Beebe was responsible for assisting with expert reports,
4 claim construction, and trial, along with other day-to-day requirements of this case. Mr. Beebe
5 is a former law clerk to the Honorable Larry R. Hicks, District Judge for the District of Nevada,
6 and to the Honorable Johnnie B. Rawlinson, of the Ninth Circuit Court of Appeals. Mr. Beebe
7 had more than five years of experience in patent litigation when he joined this matter. His
8 hourly billing rate to Adobe for this matter ranged from \$688.50 to \$738.

9 11. Anant Pradhan is a junior associate who joined the team as the case
10 proceeded to trial. Mr. Pradhan was responsible for preparing trial materials, trial briefs,
11 evidentiary objections, and any additional and necessary tasks during trial. Mr. Pradhan had
12 nearly two years of experience in patent litigation when he joined this matter. His hourly billing
13 rate to Adobe for this matter was \$499.50.

14 12. Joshua Davis was a mid-level associate responsible for this case during
15 discovery and pre-trial phases. He assisted with and defended depositions in this matter and
16 managed the discovery process. Mr. Davis had more than four years of experience in patent
17 litigation when he joined this matter. His hourly billing rate to Adobe for this matter was \$666.

18 13. Nathan Greenblatt was a mid-level associate responsible for this case
19 during the close of discovery and through portions of expert discovery. He assisted with
20 deposition planning, document productions, and expert-related matters, including damages
21 issues. Mr. Greenblatt had more than three years of experience in patent litigation when he
22 joined this matter. His hourly billing rate to Adobe for this matter ranged from \$562.50 to
23 \$634.50.

24 14. Andrew Hodel was a junior associate in the patent litigation group when
25 he was a member of the case team. Mr. Hodel assisted with discovery issues. His hourly billing
26 rate to Adobe for this matter was \$405.

27 15. In addition, the Weil attorney team for this case was assisted by the firm's
28 litigation paralegals. The primary paralegal assigned to this matter through discovery, Johnna

Reynolds, had at least six years of experience. Ms. Reynolds' hourly billing rate to Adobe for this matter was \$270. The hourly rates for those assisting with the litigation on matters discussed below ranged from \$180 to \$301.5, depending on seniority and responsibility, as reflected in the following: Matthew Bonini (\$301.5); Colleen Sphar (\$252); Irina Khait (\$238.50); Carin Han (\$193.50); and Amir Kadri (\$180).

16. The rates set forth above reflect the standard, hourly rates that are generally charged to fee-paying clients of Weil. These rates are commensurate with the prevailing market rates charged by Weil's peer firms in California and nationwide for similar services. These fees and costs reflect the customary hourly rates for our legal services. Only fees related to relevant work actually performed for Adobe are included in this motion.

17. The following chart summarizes the fees incurred in defending against Digital Reg's assertion of the 741 patent. Adobe has narrowly tailored its request to recover fees that are directly related to defending against the 741 patent. This includes deductions when billing entries included work not related to the 741 patent and all necessary deductions for work billed to the .0008 billing number. In addition, this includes deductions relating to billing adjustments.² The total amount incurred equals \$103,864.35.

Name	Hours	Rate	Total
Edward Reines	14.1	\$967.5	\$13,641.75
Sonal Mehta	1.3	\$774	\$1,006.20
Adrian Percer	11.5	\$747	\$7866
Timothy DeMasi	26.3	\$877.5	\$23,078.25
Byron Beebe	12.6	\$738	\$9,298.80
Anant Pradhan	.5	\$499.5	\$174.63
Nathan Greenblatt	31.1	\$562.5	\$17,493.75
	39.8	\$634.5	\$21,352.50
Joshua Davis	6.3	\$666	\$3,776.22

² I withdraw the numbers in my prior declaration because they included unadjusted fees amounts that should not have been included.

Andrew Hodel	2.5	\$405	\$506.25
Johnna Reynolds	21	\$270	\$5,670

18. The following chart summarizes the fees incurred due to Digital Reg's improper damages opinions. Adobe has narrowly tailored its request to recover fees that are directly related to Digital Reg's improper expert reports. This includes deductions when billing entries included work not related to responding to Digital Reg's expert reports and all necessary deductions for work billed to the .0008 billing number. In addition, this includes deductions relating to billing adjustments.³ The total amount incurred equals \$33,605.55.

Name	Hours	Rate	Total
Edward Reines	2	\$967.50	\$1,352.95
Sonal Mehta	8.1	\$747	\$5,467.50
	14.9	\$774	\$10,166.40
Anant Pradhan	26.1	\$499.5	\$9,115.44
Nathan Greenblatt	10	\$634.5	\$5,062.50
Matthew Bonini	1.2	\$301.5	\$252.97
Colleen Sphar	7.5	\$252	\$1,687.50
Irina Khait	3	\$238.5	\$500.28

19. The following chart summarizes the fees incurred in relation to the changed testimony and additional discovery associated with Digital Reg's witnesses Patrick Patterson and Carl Venters. Adobe has narrowly tailored its request to recover fees that are directly related to the depositions and briefing related to these issues. This includes deductions when billing entries included work not related to the issues arising from Mr. Patterson's and Mr. Venters' improper testimony and all necessary deductions for work billed to the .0008 billing number. In addition, this includes deductions relating to billing adjustments. The total amount incurred equals \$45,838.43.

Name	Hours	Rate	Total
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³ I withdraw the numbers in my prior declaration because they included unadjusted fees amounts that should not have been included.

1	Edward Reines	39.4	\$967.5	\$20,119.75
2				(.0008 and other
3				deductions)
4	Adrian Percer	0.7	\$747	\$261.45
5				(.0008 deduction)
6	Byron Beebe	28	\$738	\$14,448.27
7	Anant Pradhan	11	\$499.5	\$3,841.75
8	Nathan Greenblatt	19.5	\$634.5	\$5458.38
9				(.0008 and other
10				deductions)
11	Matthew Bonini	1.2	\$301.5	\$252.97
12	Carin Han	7.6	\$193.5	\$1,028.24
13	Amir Kadri	5.1	\$180	\$401.62
14				(.0008 and other
15				deductions)

20. Adobe has incurred further fees in bringing this motion. Adobe will provide a summary of those fees once they have been properly billed.

21. Attached hereto as **Exhibit 1** is a true and correct copy of the excerpts from Patrick Patterson's deposition transcript dated April 25, 2013.

22. Attached hereto as **Exhibit 2** is a true and correct copy of the excerpts from Carl Venters' deposition transcript dated March 26, 2013.

23. Attached hereto as **Exhibit 3** is a true and correct copy of the excerpts from Carl Venters' deposition transcript dated September 1, 2014.

24. Attached hereto as **Exhibit 4** is a true and correct copy of the excerpts from Russell Parr's expert report dated October 30, 2013.

25. Attached hereto as **Exhibit 5** is a true and correct copy of Digital Reg's original Trial Exhibit 184, as first admitted into evidence.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on January 19, 2015, at Redwood Shores, California.

3 By: /s/ Edward R. Reines

4 Edward R. Reines

5 edward.reines@weil.com

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